

Town of North Smithfield Planning Board Meeting

Kendall Dean School, 83 Greene Street

Thursday, February 4, 2010, 7:00 PM

Planning Board Chair Scott Gibbs called the meeting to order at 7:02 pm.

1. Roll Call

Present: Scott Gibbs, Gene Simone, Dean Naylor, Alex Biliouris, Stephen Vowels, Art Bassett. Absent: Joe Cardello. Also present were Town Planner Bob Ericson and Town Solicitor Rick Nadeau.

2. Approval of Minutes: January 7, 2010, and January 16, 2010 site visit

Mr. Biliouris made a motion to approve the minutes of January 7, 2010. Mr. Naylor seconded the motion, with all in favor.

Mr. Vowels made a motion to approve the minutes of January 16, 2010. Mr. Naylor seconded the motion, with all in favor.

3. Marshfield Commons: Major Land Development Project Master Plan Informational Meeting

Owner/Applicant: Woonsocket Neighborhood Development Corporation

**Location: Mechanic Street, Assessor's Plat 1 Lots 69, 423;
Zoning: RS-40 (Suburban Residential)**

**(Previously subject to master plan informational meetings of
Jan. 7, 2010 and Feb 4, 2010)**

Mr. Ericson updated the Board on the discussions that were held between the Planning Department and the applicant's design team since the last meeting. North Smithfield's fire marshal reviewed the plans and approved a proposed revision that creates a 20' wide street. The radius of the cul-de-sac was also increased in order to meet safety standards and allow emergency vehicle access.

Other outstanding issues from the last meeting were requests for comment from other town departments, including sewer, water, and zoning. The written responses have not been received, although Mr. Ericson has had conversations with people in those departments. He stated that Sewer Department has reviewed the application and determined that the plans are feasible, although there may be a need for bigger pumps and a method to increase water pressure.

Bill Landry spoke for the applicant and stated that he would welcome comment from other town departments, though at this stage he does not want to harass them for feedback. Mr. Ericson stated that he would work on getting written comment that can be reviewed by the Board. Mr. Landry suggested that this can be done at Preliminary Plan stage. The Board indicated a preference for getting the feedback

at Master Plan stage.

The applicant's engineer, Scott Moorehead, discussed three options for the reconfiguration of the roads. All three have the same design layout, but the traffic patterns and traffic flow would vary depending on which option the Board approves. All options call for a 20' wide road with no parking allowed on the street. The roads may be one-way for a smoother traffic flow, or they could be two-way streets. In any of the three scenarios, there will be room for emergency vehicle access, as determined by the fire marshal. Mr. Landry stated that street widths of less than 20' are adequate for travel circulation, but the 20' requirement is for emergency vehicles. The road will be 20' wide throughout the development, so even if one-way roads are approved, emergency vehicles will be able to go around either side of the green, if necessary.

Mr. Moorehead stated that due to the increased radius of the cul-de-sac, there will now be a need for a rear yard setback variance on one of the buildings. The land is abutted by commercial property, so this will not impact residential property.

Mr. Moorehead also addressed questions the Board previously had regarding the traffic study submitted, which was originally completed in 2006. Mr. Moorehead stated that they went out on January 28, 2010 to take current traffic counts at the peak travel times. He found that the counts were actually less than those of 2006, so the traffic study

submitted is still applicable to this application. In response to the Board's questions, Mr. Moorehead stated that the traffic counts were taken on a sunny day and that there would be no real seasonal difference between the 2006 counts taken in September and the current counts because they were still taken at peak travel times, which would include school and work travel. Mr. Biliouris asked if the bridge construction is affecting the traffic counts and perhaps resulting in a decreased amount of traffic. Mr. Moorehead stated that traffic counts have been down everywhere in the past two years, and he does not believe the construction is affecting the counts. He stated that the Level of Service is A or B in the surrounding areas and this will not change significantly. He added that even changes greater than 20% will not cause a dramatic decrease in the level of service.

The Chair asked Mr. Landry if the applicant could submit a fiscal impact study. Mr. Landry stated that because this is a Comprehensive Permit application, the fiscal impact study is not required. The Board discussed this issue with Mr. Landry, Mr. Ericson, and Mr. Nadeau, and determined that they can ask for a fiscal impact study, but they may not base their decision upon its findings. They agreed that there would be a negative fiscal impact, but that the impact is necessary in getting the Town to meet its 10% low and moderate income housing requirement. The Board still feels that the study is necessary to use for longer-range planning for the Town, especially since there has been talk about closing a school. The Chair stated that the Board has the responsibility to do its due diligence and be responsible stewards

for the Town.

The Board also asked for projections on how many school children would be living in the development. Terri Barbosa informed the Board that the numbers from other projects that she has worked on come out to 0.5 children per 2-bedroom unit and 1.7 children per 3-bedroom unit. Mr. Biliouris also asked Ms. Barbosa for HUD occupancy standards. She did not have this information available.

Mr. Naylor made a motion to request a fiscal impact study to be submitted to the Board before action is taken on Master Plan approval. Mr. Vowels seconded the motion, with all in favor.

Mr. Landry responded that the applicant would provide the fiscal impact study if the primary purpose is to help the Town plan. He stated that there is a long way to go on this project, and perhaps the Board could make it a condition of approval that the study will be submitted at the Preliminary Plan stage or that it could be submitted within 10 days of this hearing. The Chair stated that it is not his desire to vote on this tonight, as the Board is still waiting for letters from town departments and traffic pattern information. He stated that he would like the Board to be careful and address these issues at this stage.

The Chair asked the public for comment. Chris Benetti of 45 Mechanic Street asked the Board if subdivisions regulations were being

followed with regard to street width. Mr. Ericson stated that the applicant is allowed to request waivers and that the Comprehensive Permit process is being followed. He added that the proposed road is more like a combination parking lot and driveway for the residents and that Mechanic Street is the public way to access the project. Mr. Benetti stated that he is following up on the comments of Mr. Cardello from the previous hearing that the rules are followed on this application. He is also worried about precedent since this is the first Comprehensive Permit application for the Town. Mr. Benetti also asked if the new census numbers would affect the low and moderate income housing requirement, as it may make the Town once again fall below the 10% requirement. Mr. Ericson stated that it is likely that the new numbers will affect this, but the Town will draft an ordinance to deal with it. Mr. Benetti stated that he will be following this application closely to be sure that rules are not being sidestepped.

Dr. Lucien Benoit asked Mr. Moorehead if he is a traffic engineer. Mr. Moorehead replied that he is.

Kim Rawson of 107 Mechanic Street asked for explanation on how an added 260 trips per day will not have a negative impact on the level of service. Mr. Moorehead replied that any additional traffic will have a negative impact, but the traffic study looks at hazard areas, of which there are none (clarified to there being none that are created by this project) and though the level of service may slip a bit with the extra traffic, it is still within the previous levels (mainly A & B, with some

areas of level of service C on Victory Highway). Mr. Biliouris asked if Mr. Moorehead had looked at the hazardous condition at the intersection of Mechanic and Central and asked if there is anything that can be done to handle the traffic better. Mr. Moorehead suggested that some modifications, such as making Mechanic Street a one-way street, or modifying the geometric configuration at the intersection, could help, but this area is not part of the project. He reiterated that the current level of service on Mechanic Street is A, and it will remain so.

The Chair informed the public that if they have comments, they can submit them to the Town Planner and they can be read into the record.

Mr. Ericson asked the Board if they would like to comment on which of the traffic options they would prefer, but the Chair stated that he would like the applicant to decide and the Board can vote on their final submission at a later time.

Mr. Biliouris asked how much leeway the applicant had with regard to density requirements. Mr. Nadeau stated that there is no provision. Mr. Ericson stated that the appeals process is different, and the Chair added that it is more restrictive.

The Chair stated that he would like to obtain letters from the sewer, water, and zoning departments before voting.

Mr. Vowels made a motion to continue the application to February 18, 2010, at 7:00 pm. Mr. Naylor seconded the motion, with all in favor.

The Chair called for a 5-minute recess at 8:17 pm. He called the meeting back to order at 8:22 pm.

4. Consideration of Procedural Rules

Mr. Ericson stated that he had sent a set of rules to each Board member for their review and consideration. He discussed that one of the rules concerned behavior of Board members. Mr. Biliouris stated that he thinks it can be stated as “act in a professional manner.” The Chair stated that he has no problem with this being included in the rules and added that the civility and professionalism of the Board will encourage the same behavior from the audience.

Mr. Ericson also stated that the rules call for sufficient training for Board members, including how to read plans. The Chair asked Mr. Ericson to make modifications to the set of rules previously submitted and the Board will vote at the next meeting.

5. Review of and recommendation for Open Space donation: Plat 9, Lots 163, 164, 166, 167, 604 and Plat 12, Lots 002, 003, 004, 005, 006, 013, 013-A, 181, 256, near the 146 intersection at Greenville Rd.

Mr. Ericson informed the Board that the Silva estate owes back taxes on the above-referenced land. The land makes up a total of 69 acres, and they will grant an outright deed for the land in exchange for the back taxes being forgiven. He pointed out on aerial photographs that the land is the southwest watershed of Cherry Brook, and if the Town owns the land, they will be able to install flash boards to create a pond on the land, for emergency use during rain storms. Mr. Ericson stated that the DEM will not allow the Town to open the railroad culvert, as it may result in flooding in Woonsocket. He stated that the Town rarely falls into an opportunity as good as this one. The Board is asked to review and make a recommendation to the Town Council.

Paul Soares, representing the Conservation Commission, spoke to the Board and submitted a letter he wrote outlining the situation. He told the Board that the land is unsuitable for building of any kind, since it is made up mainly of wetlands and marshes. It sees limited use for hunting, but other than that, there is no real use for the land. If the Town owned the land, they would be able to protect the wetlands and the wildlife habitat, in addition to the emergency protection of property that gets flooded by Cherry Brook.

The Chair stated that he is supportive of the request, but he wants to be sure that access is not restricted. He does not want the Town to take the land, and then put up “No Trespassing” signs. Mr. Soares stated that there is really not a lot that can be done on the land. There is no parking and limited access to the land. There is only a very

small area that could be accessed by horses and limited hiking. There is hunting allowed on the land, but there are very few people who hunt there.

Mr. Naylor asked about ATV use on the land. Mr. Soares stated that there is limited access to the land. A few ATV riders use the land, but it is not the type of terrain that ATV's use. Mr. Vowels asked if the use of flash boards would affect the habitat and wildlife. Mr. Ericson stated that they would only be used in emergencies, which would only cause short-term flooding. In the long-range, the Town will need engineering and DEM coordination in order to make it a legally viable option.

Mr. Biliouris made a motion to recommend that the Town Council accept the donation of the land as listed in agenda item #5 (Plat 9, Lots 163, 164, 166, 167, 604 and Plat 12, Lots 002, 003, 004, 005, 006, 013, 013-A, 181, 256). Mr. Naylor seconded the motion, with all in favor.

Mr. Vowels made a motion to adjourn at 8:50 pm. Mr. Naylor seconded the motion, with all in favor.

